

that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 30, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

E. D. BALL, *Acting Secretary of Agriculture.*

6955. Misbranding of A Texas Wonder Hall's Great Discovery. U. S. * * * v. 75 Bottles of A Texas Wonder Hall's Great Discovery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9451. I. S. No. 5989-r. S. No. C-1007.)

On November 16, 1918, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 bottles of A Texas Wonder Hall's Great Discovery, remaining unsold in the original unbroken packages at Montgomery, Ala., alleging that the product had been shipped on or about September 17, 1918, by E. W. Hall, St. Louis, Mo., and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (On carton) "A Texas Wonder. Hall's Great Discovery for Kidney and Bladder Troubles, Diabetes, Weak and Lane Backs, Rheumatism. Dissolves Gravel, Regulates Bladder Trouble in Children. One small bottle is two months' treatment." (On circular) "Louis A. Portner * * * testified he began using The Texas Wonder for stone in the kidneys * * * and tuberculosis of the kidneys * * *. He was still using the medicine with wonderful results and his weight had increased."

Examination of a previous sample of the article by the Bureau of Chemistry of this department showed it to consist essentially of oleoresin of copaiba, rhubarb, turpentine, guaiac, and alcohol.

Misbranding of the article was alleged in substance for the reason that the above-quoted statements, borne on the cartons and circulars, were false and fraudulent in that the product contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed for it on the carton and circular.

On March 26, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

6956. Adulteration and misbranding of tomatoes. U. S. * * * v. 704 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9452. I. S. No. 17607-r. S. No. E-1154.)

On November 13, 1918, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 704 cases of canned tomatoes, remaining unsold in the original unbroken packages at Augusta, Ga., alleging that the article had been shipped on or about August 24, 1918, by the Sunbright Canning Co., Dickson, Tenn., and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Helmet Tomatoes."

Adulteration of the article was alleged in substance in the libel for the reason that added water had been mixed and packed therewith, so as to reduce, lower,

and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

Misbranding of the article was alleged in substance for the reason that the labels and branding on the cans were false and misleading, and the said cans were so labeled and branded as to deceive and mislead the purchaser thereof, the contents of said cans not being pure canned tomatoes as the label was calculated to, and did in fact, induce the purchaser thereof to believe, but, in truth and in fact, the cans contained 31.8 per cent of added water, and did not contain what was represented by the labels thereon.

On December 9, 1918, the said Sunbright Canning Co., having filed a claim for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled so as to show the amount of added water.

E. D. BALL, *Acting Secretary of Agriculture.*

6957. Adulteration and misbranding of Cacapon Healing Water. U. S. * * * v. 6 Barrels and 40 Kegs of Cacapon Healing Water. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 9453. I. S. Nos. 15357-r, 15358-r. S. No. E-1157.)

On November 15, 1918, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District holding a District Court a libel for the seizure and condemnation of 6 barrels and 40 kegs of Cacapon Healing Water, at Washington, D. C., consigned on or about October 9, 1918, and October 10, 1918, alleging that the article had been shipped by the Capon Springs Co., Capon Springs, W. Va., and transported from the State of West Virginia into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. On February 6, 1919, an amendment to the libel was filed upon motion of the libelant.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal and vegetable substance.

Misbranding of the article was alleged in the amendment to the libel for the reason that said barrels and kegs bore statements, designs, and devices regarding the therapeutic and curative effects of the article contained therein, to wit, "For over two centuries leading physicians * * * To be 100% efficient, drink Cacapon Healing Water Prescribed by Prominent Physicians for Bright's Disease Kidney Troubles * * * Tonic, Alterative and Diuretic. Has Cured for Centuries Capon Springs Co., Capon Springs, W. Va." (Stamped in red on label) "506292 10-29-18" (Typewritten label) "From Capon Springs Co., Capon Springs, W. Va., Cacapon Co., of Washington, D. C., 1311 and 1313 H St., N. W., * * * for many diseases, including some thought incurable * * * 100% efficient * * * Cacapon Healing Water * * * for Bright's Disease, Kidney Troubles, Indigestion, Diabetes, Calculi, Rheumatism, Women's Diseases, Stomach Troubles, Dyspepsia, Uric Acid, Gout, Urethral and Uterine Troubles * * * Tonic, Alterative * * * Has cured for centuries (Testimonial of Dr. Thomas A. Ashby) * * * rheumatic gout, syphilitic rheumatism, and chronic inflammation," which were false and fraudulent in that they indicated to purchasers thereof, and created in the minds of the purchasers thereof, the impression and belief that the article was effective as a healing water, and as a treatment and cure for, when, in fact, it was not effective as a